

IN THE CIRCUIT COURT
OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA
CASE NO.: 2024-022769-CA-01
DIVISION: CA02

KP INVESTMENTS MIAMI, LLC,
a Florida Limited Liability Company,
Plaintiff,

v.

MARIO MIRABAL,
Defendant.

_____ /

DEFENDANT S MOTION FOR STAY OF PROCEEDINGS AND
NOTICE OF NON APPEARANCE AND OF FEDERAL OBJECTION TO
NOVEMBER 6 2025 HEARING

I. NOTICE OF FEDERAL OBJECTION AND NON-APPEARANCE

Defendant Mario Mirabal, appearing pro se, hereby gives notice that he will

not appear at the hearing set for November 6, 2025 at 2:30 PM before the Honorable Lourdes Simon, titled “Plaintiff’s Motion for Summary Judgment as to Plaintiff’s Complaint for Ejectment.”

Defendant’s nonappearance is made deliberately and in good faith to preserve federal jurisdiction and avoid any action that may be construed as acquiescence to a court currently operating in conflict with the Supremacy Clause of the United States Constitution and with matters now pending in federal court.

II. VIOLATION OF RULE 2.330(F) AND RETROACTIVE DENIAL OF DISQUALIFICATION

Defendant notes that this Court issued orders on October 15 2025 (setting the November 6 summary-judgment hearing) and October 30 2025 at 11:29 AM (setting a December 8 trial) while Defendant’s Motion for Judicial Disqualification was still pending. Only later that same day, at 4:50 PM (2024-022769-CA-01 10-30-2025 4:50 PM (Filing # 234842034 E-Filed 10/30/2025 05:02:53 PM)) , did the Court enter an order denying the motion as “legally insufficient.”

Under Fla. R. Gen. Prac. & Jud. Admin. 2.330(f), a judge against whom a motion to disqualify has been filed “shall take no further action in the case” until that motion is resolved. By acting hours before the denial, the Court violated the rule and retroactively attempted to validate actions that were void when taken. These events confirm the appearance of bias and partiality that gave rise to the motion and will form part of the federal record in the pending § 1983 proceedings.

III. CONTINUED PARTICIPATION OF COUNSEL UNDER FEDERAL INVESTIGATION

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The hearing now set was scheduled at the request of attorney John Cunill and his firm Adorno & Cunill PL, who continue to litigate this matter despite being named defendants in three federal civil actions in the United States District Court for the Southern District of New York, specifically:

Mirabal v. Deutsche Bank Nat'l Trust Co., Case No. 1:25-cv-07418-LJL-OTW (42 U.S.C. § 1983)

Mirabal v. Deutsche Bank Nat'l Trust Co., Case No. 1:25-cv-07419-LJL (RICO – 18 U.S.C. §§ 1962(c),(d))

Mirabal v. Deutsche Bank Nat'l Trust Co., Case No. 1:25-cv-07423-LJL-OTW (Collateral Protection Action)

The U.S. Marshals Service has begun serving those defendants, and the Department of Justice's Complex Frauds and Public Corruption Unit has received a related criminal RICO referral, now under review.

Counsel's continued appearance, with the Court's endorsement, while under federal investigation and avoiding Marshal service, constitutes an ethical violation and conflict of interest. Proceeding under these circumstances compromises the Court's impartiality and further deepens the jurisdictional conflict between this Court and the federal judiciary.

IV. NOTICE OF PARALLEL FEDERAL FILINGS

Defendant further notifies the Court that on November 3, 2025, filings were entered in the U.S. District Court for the Southern District of New York

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(Case Nos. 1:25-cv-07418, -07419, -07423) requesting expedited U.S. Marshals service and clarification of the pending preliminary-injunction request.

Those filings include a motion seeking preservation and production of all transactional records associated with the November 13, 2024 Warranty Deed recorded in Miami-Dade County (Book 34509, Page 3025), presently under DOJ review.

V. CONSTITUTIONAL PRESERVATION

Any further proceedings in this case—including the November 6 hearing—would violate Defendant’s constitutional right to a fair and impartial tribunal, the Supremacy Clause (U.S. Const. art. VI, cl. 2), and due process protections under the Fourteenth Amendment.

Defendant therefore respectfully objects to all proceedings pending federal adjudication and DOJ review.

VI. REQUEST FOR STAY

For the reasons set forth above, and in the interest of judicial economy and constitutional compliance, Defendant respectfully requests that this Court enter an Order staying all further proceedings in this action, including the hearing scheduled for November 6, 2025 and the non-jury trial set for December 8, 2025, pending resolution of the ongoing federal proceedings and Department of Justice review in *Mirabal v. Deutsche Bank Nat’l Trust Co.*, Case Nos. 1:25-cv-07418, -07419, and -07423, in the United States District Court for the Southern District of New York.

Respectfully submitted,

/s/ Mario Mirabal

Mario Mirabal, Pro Se Defendant

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November 3, 2025